

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

NEW YORK LIFE INSURANCE COMPANY,

Plaintiff,

vs.

Civ. No. 17-621 KG/KK

ROGER SAUL, ROSANNE SILVA and
ESTATE OF JAMES SILVA SR. deceased,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon “Defendant Roger Saul’s ‘Motion for Sanctions’ [Forgery] with ‘21 Day Safe Harbor’” (Motion for Sanctions), filed December 27, 2017. (Doc. 69). Plaintiff filed a response on January 10, 2018, in which Plaintiff opposes the Motion for Sanctions, and seeks costs and expenses incurred in responding to the Motion for Sanctions. (Doc. 71). Saul filed a reply on January 24, 2018. (Doc. 73). This matter also comes before the Court upon Saul’s subsequent requests for a hearing on the Motion for Sanctions, filed January 24, 2018, and February 26, 2018, respectively. (Docs. 75 and 76). Having reviewed the Motion for Sanctions, the accompanying briefing, and the requests for a hearing on the Motion for Sanctions, the Court denies (1) the Motion for Sanctions, (2) Plaintiff’s request for an award of costs and expenses, and (3) Saul’s requests for a hearing as moot.

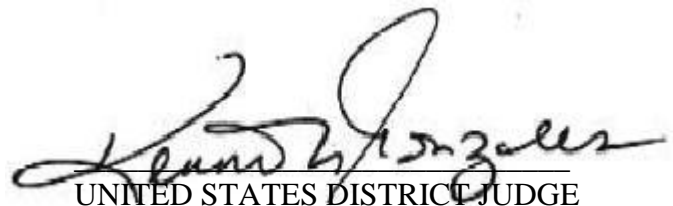
Saul bases his Motion for Sanctions on the fact that the Bates numbering on two letters, one dated April 28, 2017, and one dated May 11, 2017, is not sequential. In other words, the Bates numbering for the April 28, 2017, letter is higher than the Bates numbering for the May 11, 2017, letter. Saul argues that this Bates numbering demonstrates “violations of Rule #11

‘false or unverified statements’, including apparent forgery, with intent to defraud.” (Doc. 69) at 1.

As Plaintiff explains, Bates numbering does not alter the authenticity of a document. Bates numbering is merely a system for referring to document pages. Saul can address any questions regarding the authenticity of the April 28, 2017, and May 11, 2017, letters in the discovery process. For these reasons, the Court denies the Motion for Sanctions. Moreover, considering the page and a half response to the Motion for Sanctions, the Court, in its discretion, denies Plaintiff’s request for an award of costs and expenses. In light of these rulings, the Court also denies the requests for a hearing on the Motion for Sanctions as moot.

IT IS ORDERED that

1. “Defendant Roger Saul’s ‘Motion for Sanctions’ [Forgery] with ‘21 Day Safe Harbor’” (Doc. 69) is denied;
2. Plaintiff’s request for an award of costs and expenses is denied; and
3. Saul’s requests for a hearing (Docs. 75 and 76) are denied as moot.


UNITED STATES DISTRICT JUDGE